

ADMINO,CLOSED,FFDUE,HABEAS,PROSE,PRSLC

**United States District Court
Middle District of Pennsylvania (Harrisburg)
CIVIL DOCKET FOR CASE #: 1:13-cv-02688-WWC-PT**

Stoltzfoos v. Wetzel et al
Assigned to: Honorable William W. Caldwell
Referred to: Pro Se Law Clerk PT
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 11/01/2013
Date Terminated: 11/07/2013
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Levi Lapp Stoltzfoos

represented by **Levi Lapp Stoltzfoos**
HR-7274
SCI Coal Township
SPECIAL MAIL-OPEN ONLY IN
THE PRESENCE OF THE INMATE
1 Kelley Drive
Coal Township, PA 17866-1021
PRO SE

V.

Respondent

John E. Wetzel
Secretary

Respondent

Kathleen Kane

Respondent

PA State Attorney General

Date Filed	#	Docket Text
11/01/2013	<u>1</u>	PETITION for Writ of Habeas Corpus, filed by Levi Lapp Stoltzfoos.(dh) (Entered: 11/01/2013)
11/01/2013	<u>2</u>	MEMORANDUM OF LAW by Levi Lapp Stoltzfoos re <u>1</u> Petition for Writ of Habeas Corpus. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2, # <u>3</u> Exhibit(s) 3, # <u>4</u> Exhibit(s) 4, # <u>5</u> Exhibit(s) 5, # <u>6</u> Exhibit(s) 6, # <u>7</u> Exhibit(s) 7)(dh) (Entered: 11/01/2013)
11/01/2013	<u>3</u>	PRO SE LETTER ISSUED. (dh) (Entered: 11/01/2013)
11/04/2013	<u>4</u>	30 DAY ADMINISTRATIVE ORDER directing the petitioner to pay the filing

		fee or file Application to Proceed IFP within 30 days or case will be dismissed.Signed by L. Potoeski on 11/04/13. (lp) (Entered: 11/04/2013)
11/06/2013	<u>5</u>	Filing fee: \$ 5, receipt number 333033846 (lh) (Entered: 11/06/2013)
11/07/2013	<u>6</u>	ORDER: 1. The Clerk of Court is directed to transfer this case to the U.S. District Court for the ED of PA. 2. The Clerk of Court shall close this file.Signed by Honorable William W. Caldwell on 11/7/13. (ma) (Entered: 11/07/2013)
11/19/2013		DOCKET ANNOTATION: This case has been electronically transferred to the ED of PA today. (jw) (Entered: 11/19/2013)

PACER Service Center			
Transaction Receipt			
11/19/2013 12:22:34			
PACER Login:	us4447	Client Code:	
Description:	Docket Report	Search Criteria:	1:13-cv-02688-WWC-PT
Billable Pages:	2	Cost:	0.20

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEVI LAPP STOLTZFOOS,

Petitioner

v.

JOHN E. WETZEL, *et al.*,

Respondents

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:
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CIVIL NO. 1:13-CV-2688

(Judge Caldwell)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

This is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by Levi Lapp Stoltzfoos, an inmate at the Coal Township State Correctional Institution in Coal Township, Pennsylvania. Named as Respondents are John E. Wetzel, Secretary of the Pennsylvania Department of Corrections, and Kathleen Kane, Attorney General for the Commonwealth of Pennsylvania.

Stoltzfoos is challenging a 2008 conviction in the Court of Common Pleas of Lancaster County on fifty-eight counts of avoiding transaction-reporting requirements. Since the trial court, as well as any records, witnesses and counsel, are located within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania, it would be in the interest of justice to transfer this action to the Eastern District.¹

¹ This district, where Petitioner is in custody, has concurrent jurisdiction with the district where Petitioner was convicted. 28 U.S.C. § 2241(d). Section 2241(d) confers on us the discretion to transfer the case to the Eastern District in the interest of justice.

AND NOW, this 7th day of November, 2013, it is ordered that:

1. The Clerk of Court is directed to transfer this case to the United States District Court for the Eastern District of Pennsylvania.
2. The Clerk of Court shall close this file.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge

LDD

UNITED STATES DISTRICT COURT

13

6747

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1 Kelley Drive, Coal Township, PA 17866

Address of Defendant:

Place of Accident, Incident or Transaction: Lancaster

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☐

CIVIL: (Place ☐ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☒ Habeas Corpus 2254
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, _____, counsel of record do hereby certify:
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____
Attorney-at-Law

Attorney I.D.# _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: NOV 19 2013

Deputy Clerk

Attorney I.D.# _____

LDD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Stoltzfoos

v.

CIVIL ACTION

NO. **13 6747**

Wetzel, et. al.


In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. **2254** ☒
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ☐
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ☐
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ☐
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ☐
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☐

NOV 19 2013

Date


Deputy Clerk

Attorney for

Telephone

FAX Number

E-Mail Address